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New York

President: Mr. Han Seung-soo ..... (Republic of Korea)

In the absence of the President, Mr. Rosenthal (Guatemala), Vice-President, took the Chair.

The meeting was called to order at 10.05 a.m.

Agenda item 30 (*continued*)

Oceans and the law of the sea

(a) Oceans and the law of the sea

Report onthe Secretary-General (A/56/58 and Add.1)

Report of the work of the United Nations Open-ended Informal Consultative Process established by the General Assembly in its resolution 54/33 in order to facilitate the annual review by the Assembly of developments in ocean affairs at its second meeting (A/56/121)

Draft resolution (A/56/L.17)

(b) Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

Report of the Secretary-General (A/56/357)

Draft resolution (A/56/L.18)

The Acting President (*spoke in Spanish*): I give the floor to the representative of Belgium, who will speak on behalf of the European Union.

Mr. Marechal (Belgium) (*spoke in French*): It is my honour to speak on behalf of the European Union on the agenda item entitled "Oceans and the law of the sea". The countries of Central and Eastern Europe associated with the European Union — Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia — and the associated countries Cyprus and Malta align themselves with this statement.

The entry into force of the United Nations Convention on the Law of the Sea seven years ago was a major event for the establishment of a comprehensive international legal framework for ocean governance. The Convention, together with the treaties and agreements to which it has given rise, has created an impressive number of rules governing oceans in numerous aspects.

Given its significant role for the management of the world's oceans, universal acceptance of the Convention, as well as the Agreement relating to the Implementation of Part XI of the Convention, is extremely important. It is also essential that all treaties and normative instruments relating to oceans are in strict conformity with the Convention. In this regard, the European Union remains concerned by the declarations made by certain States that appear to exclude or modify the legal effect of certain provisions

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of the Convention. As article 309 of the Convention states that no reservations may be made, these declarations have no legal effect. National legislation of States parties that is not in compliance with the Convention is similarly unacceptable.

The European Union notes with satisfaction that the institutions established under the United Nations Convention on the Law of the Sea function well. The International Tribunal for the Law of the Sea, whose role is crucial to maintaining the integrity of the Convention as a whole, has before it increasing numbers of cases submitted by States. Moreover, the International Seabed Authority, after having successfully adopted the regulations on prospecting and exploration for polymetallic nodules in the Area last year, continues to consider the possibility of adopting other regulations concerning exploration for other seabed minerals. Contracts for the exploration of polymetallic nodules have been signed with six pioneering investors, and the European Union awaits with interest the signing of a seventh contract. Finally, the Commission on the Limits of the Continental Shelf is ready to receive the first submissions from States on the outer limits of their continental shelves, and has produced a set of useful guidelines to assist those States. The European Union welcomes the decision of the Eleventh Meeting of States Parties to the Convention relating to the 10-year time period referred to in article 4 of annex II to the Convention. In view of the importance of the smooth functioning of these bodies, the European Union wishes to reiterate the imperative need for States parties to pay their contributions on time.

The European Union attaches importance to the trust funds referred to in paragraph 52 of this year's draft resolution (A/56/L.17) on oceans and the law of the sea, in particular those established for the purpose of assisting States in taking their disputes before the Tribunal and facilitating greater participation in the Informal Consultative Process. The United Kingdom and Portugal have already contributed to those trust funds.

The set of legal instruments regarding oceans and the law of the sea continues to grow. In this regard, the European Union takes note of the adoption by the United Nations Educational Scientific and Cultural Organization (UNESCO) of the Convention on the Protection of Underwater Cultural Heritage. However, the adoption of new legal instruments is not in itself sufficient to prevent existing problems from growing or new ones from arising. That is clearly illustrated by such problems as pollution, overfishing, the increase in crime, maritime safety problems and many other worrying developments that require a strengthened approach by the international community. In large part, that situation is due to the insufficient level of implementation of the existing international norms and national legislation of States, as well as the absence of enforcement measures. In addition, these problems could be addressed by developing new binding rules in conformity with the United Nations Convention of the Law of the Sea.

One of the most worrisome problems related to oceans and seas is the deteriorating state of marine living resources, which is mainly due to overexploitation of fisheries. An important step forward will be made by the imminent entry into force — following Malta's deposit of its instrument of ratification — of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. The internal procedures of all the member States of the European Union should be completed shortly, which will allow the European Community and its member States to deposit their instruments of ratification simultaneously. Pending the full implementation of the general principles of the Agreement in the internal legislation of European Union member States after the finalization of their national ratification procedures, the general principles of the Agreement are already being applied within the framework of the Common Fisheries Policy and the regional and international commitments of the European Community.

Nevertheless, additional steps to stop the overexploitation of endangered fish stocks are necessary. Priority should be given to combating illegal, unreported and unregulated fishing activities on the high seas. The European Union therefore welcomes action undertaken by the Food and Agriculture Organization (FAO) against those activities. In 1999, the FAO adopted the Code of Conduct for Responsible Fisheries, upon which the European Community bases its conduct in its relations with developing States with respect to fishing activities. In addition, the FAO and the International Maritime Organization (IMO) have

jointly formulated a set of recommendations aimed at enhancing flag State and port State control over fishing vessels. Finally, last February, the FAO adopted its International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing. The European Union urgently calls on all members to take the necessary steps to effectively implement these instruments and recommendations.

Regional fisheries management organizations have a crucial role to play in reducing illegal, unreported and unregulated fishing. It is essential that those organizations be appropriately mandated and equipped to provide the necessary decision-making, monitoring, control and surveillance with regard to fishing. The European Union therefore welcomes the strengthening of regional fisheries bodies and encourages them to further develop measures to combat illegal, unreported and unregulated fishing. It is essential, however, that these actions and new measures take proper account of the principles of the law of the sea and of the balance that must be respected between the rights and obligations of States with regard to fishing on the high seas, and that they be focused on the long-term sustainability of living marine resources. Furthermore, participation in those organizations must be open to all States and entities — including the European Community — that fish or have fished in the areas that they administer or that have a real interest in the fisheries concerned. Finally, the European Union wishes to stress that, in general, success in combating illegal, unreported and unregulated fishing depends above all on the willingness and ability of States — whether coastal, flag or port States — to agree to implement the relevant international instruments.

The reduction and control of pollution also require further action by the international community. As far as pollution from land-based activities is concerned, meaningful results can be expected only when measures are taken at the level of the entire catchment basin, with priority accorded to prevention at the source. The European Union therefore favours the development of an integrated approach to coastal zone management and to the catchment basin as a whole that takes into account the ecosystems concerned. At the international level, the United Nations Environment Programme continues to be the main focal point and major player in this field. Its initiatives are highly valuable, especially its Global Programme of Action for the Protection of the Marine Environment from Land-based Activities and its regional seas programme. The European Union looks forward with interest to the outcome of the first intergovernmental review of the implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities, which is being held in Montreal this week, and underlines the need to make the clearing-house mechanism in this area fully operational.

As the General Assembly noted with great concern last year, the marine environment continues to be degraded as a result of pollution caused by the dumping of hazardous waste. The entry into force of the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter should not be delayed. The European Union urges all States to ratify the Protocol so that it can replace the 1973 Convention as the sole international global regime regulating the dumping of waste at sea.

The efficient governance of oceans based on the principle of sustainable development and protection of the marine environment requires a good understanding of all aspects of the issue of oceans and seas. Marine science is therefore an essential element for a sound decision-making process, in particular regarding the management of marine ecosystems and the integrated management of oceans and coastal areas and maritime operations. Such an understanding must be integrated, interdisciplinary and intersectoral. With regard to the ecosystem, the approach needs to be part of the global context of marine scientific research.

Concrete results in marine scientific research will depend greatly on strengthening capacity-building at both the national and regional levels, and on the transfer of technology. Current efforts to strengthen capacity-building should be stepped up and kept under review in order to ensure that emerging problems and priorities are addressed. New scientific methods and findings emerge gradually, and it is important that those involved in scientific programmes maintain an ongoing dialogue among themselves as well as with Governments and international organizations. The research for development programme of the European Union is a good example of scientific and technological capacity-building through targeted research. In addition, there is a need to coordinate at the international level as well as within national administrations.

Progress in marine scientific research and monitoring will depend on strengthened global action to ensure that research in marine science is directed towards the needs of policy makers. The Intergovernmental Oceanographic Commission (IOC) of the United Nations Educational, Scientific and Cultural Organization (UNESCO) has a central role to play in this regard. Initiatives such as the United Nations Atlas of the Oceans, developed by the Subcommittee on Oceans and Coastal Areas of the Administrative Committee on Coordination and aimed at bringing together marine scientific knowledge, are to be encouraged. The European Union also strongly encourages an increased cooperation between the United Nations Environmental Programme (UNEP) and other United Nations agencies and programmes, in particular, the IOC, as far as marine science is concerned, as well as between UNEP and relevant regional organizations, non-governmental organizations and other actors in ocean affairs. Finally, the European Union is looking forward to the outcome of the efforts of UNEP to examine the feasibility of establishing a regular process for the assessment of the state of the marine environment, with active involvement by Governments and regional agreements and building on ongoing assessment programmes.

The considerable increase of piracy, armed robbery and other crimes, such as the smuggling of migrants, will require new efforts from States and international organizations to halt these crimes, which are often the result of transnational crime. The European Union calls upon States to become parties to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and its Protocol, as well as the Convention against Transnational Organized Crime and its Protocol against the Smuggling of Migrants by Land, Sea and Air, and urges their effective implementation.

Given that most acts of piracy and armed robbery and other crimes take place in territorial waters and ports, the coastal States have, in view of their exclusive jurisdiction over these waters, a special responsibility to prevent these criminal acts and prosecute their perpetrators. Developing countries might need adequate support in this regard, in particular, in the areas of transfer of technology and capacity-building. In general, there is an urgent need for States and relevant international bodies to reinforce their cooperation, regionally as well as globally, in the fight against piracy and armed robbery. This cooperation should include essential issues, such as development of measures for prevention, reporting incidents and suppression of crime.

The ability of States to effectively meet the many challenges in ocean affairs is substantially enhanced when regional cooperation arrangements are in place. The European Union welcomes in this regard regional initiatives, such as those taken by Japan, India and Malaysia, within the framework of the Japan-Association of South-East Asian Nations (ASEAN) Summit. At the global level, the International Maritime Organization (IMO) needs to continue to play the leading role and should remain the specific forum for developing effective responses to incidents of piracy and armed robbery at sea. The European Union welcomes the actions undertaken so far by the IMO, such as the preparation of a code of practice for investigations, and encourages the IMO to continue its work. The European Union strongly urges States to support the efforts of the IMO as well as initiatives taken in the same direction in other relevant international fora.

Another issue that is of concern to the European Union and urgently needs to be dealt with by the international community is the growing number of persons found in distress at sea. Apart from the human tragedy involved, which can affect any region in the world, this phenomenon raises a wide range of political and legal questions, pertaining, inter alia, to the Convention on the Law of the Sea and the 1974 International Convention for the Safety of Life at Sea. This difficult issue, which involves various levels of jurisdiction, should be addressed in a serene and comprehensive manner with the aim of finding adequate, long-term international solutions. The European Union therefore calls for international cooperation, which should be focused, inter alia, on ways of preventing persons from undertaking dangerous journeys by sea, and on developing and harmonizing procedures aimed at quickly transporting persons in distress at sea to a place of safety. In this regard, a possible debate on the latter issue at a future session of the Informal Consultative Process on Oceans and the Law of the Sea might be helpful.

The oceans and seas, whose components are closely interrelated, are enormously complex. International coordination and cooperation are becoming ever more imperative to ensure

implementation of all existing norms in a coherent manner and assess the needs for future action at national, regional, interregional and global levels. The General Assembly, conscious of the close interrelationship among the diverse aspects of issues concerning oceans, recognized this by creating an informal process to discuss ocean matters in an integrated way, based on the United Nations Convention on the Law of the Sea and Agenda 21, and to suggest particular issues to be considered by the Assembly. The Informal Consultative Process, which held its second session from 7 to 11 May 2001, has again very satisfactorily fulfilled its mandate by making a substantial contribution to a better understanding of oceans and highlighting issues calling for common action. The European Union supports the suggestions and recommendations contained in the final report of the second session of the Informal Consultative Process. These suggestions and recommendations have helped us in preparing our debate of today and to improve the contents of the draft resolution of this year on oceans and the law of the sea. The European Union looks forward to participating in the third session of the Informal Consultative Process, which will take place in New York from 8 to 15 April next year.

Strengthening cooperation at all levels, internationally and nationally, in matters relating to the oceans and seas, has been the overarching purpose of the informal consultative process. In this context, the improvement of inter-agency coordination and cross-sectoral cooperation on ocean affairs within the United Nations system is one of the main purposes of this process. In this regard, the Subcommittee on Oceans and Coastal Areas of the Administrative Committee on Coordination, which is in process of restructuring, has a major role to play. As stated at previous occasions, the European Union considers that the Subcommittee should review the full range of United Nations organizations, agencies, programmes and funds engaged in ocean affairs, their mandates and the relationship between them including the description of their current activities. Such a review would enable the Subcommittee to identify areas that call for adjustments in order to avoid gaps, overlaps and inconsistencies, and would facilitate an overview of the status of international cooperation in ocean affairs.

Finally, I would like to thank the Secretariat, in particular its Division for Oceans and Law of the Sea, for its comprehensive and valuable report on oceans and the law of the sea. The report traditionally serves as the basis for the debate in the General Assembly and, since last year, also for the discussions that will take place within the framework of the Informal Consultative Process. In this context, the European Union underlines the importance of the contributions to the report made by intergovernmental organizations, specialized agencies and funds and programmes of the United Nations engaged in ocean affairs. Moreover, in view of the lack of transparency concerning the activities of bodies dealing with oceans within the United Nations system and the need for coordination, the European Union welcomes the additional chapter in the report on international cooperation and coordination, and it encourages the Secretariat to provide more ample analytical information and new recommendations on these issues.

In concluding, I would like to draw attention to the World Summit on Sustainable Development, which will take place in Johannesburg in September 2002. The Summit represents a major opportunity for Member States to take concrete steps and identify quantifiable targets for better implementing Agenda 21, and particularly its chapter 17 on the oceans. The European Union is looking forward to participating in this important event, and expects to hold extensive dialogues with all participants involved.

Ms. Quezada (Chile) (*spoke in Spanish*): My delegation has the honour of addressing the General Assembly on behalf of the members of the Rio Group.

The Rio Group wishes to express its satisfaction once again at the Assembly's consideration of the item "Oceans and the law of the sea". We reiterate the view we expressed at the start of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea: that the United Nations Convention on the Law of the Sea constitutes the basic legal framework for all activities undertaken in the oceans and seas. The Convention is the instrument that codifies applicable international law protecting the rights of all States, including the rights of coastal States in their maritime areas. We welcome the States that have newly acceded to the Convention since the last session of the Assembly; their accession reaffirms the indisputably universal intent of the Convention.

Since the last session of the General Assembly, a number of developments have taken place on this matter, and we wish to speak of some of them.

The Rio Group has been following with interest the development and evolution of the Open-ended Informal Consultative Process, which had its second session this year. The provisions of resolution 54/33, under which it was established, require that its effectiveness and usefulness be reviewed at the next session of the General Assembly. The Rio Group reiterates its view that in order to strengthen the process it must always be borne in mind that it is an informal consultative process and that its objectives are those set out in resolution 54/33: to facilitate the annual review by the Assembly of developments in ocean affairs through consideration of the Secretary-General's report on oceans and the law of the sea, with an emphasis on identifying areas where coordination and cooperation should be enhanced.

The Rio Group supports the General Assembly's suggestions for the issues that should be considered at the next session, namely protection and preservation of the marine environment and capacity-building. We hope that their subsequent detailed consideration — insofar as this is an agreed aspect of the negotiation and an issue in respect of which there is a genuine wish for consideration by Member States in any informal consultations that might be held — will be undertaken with a constructive approach and with the participation of all delegations so as to further enrich the debate that will take place in the next Consultative Process. Those two issues are of particular importance to developing countries, and their consideration will no doubt contribute to the required implementation by States of the Convention, bearing in mind also the forthcoming World Summit on Sustainable Development to be held in 2002.

The States parties to the Convention on the Law of the Sea, as is traditional, have held their eleventh Meeting. At this year's Meeting, important decisions were adopted that will bring significant benefits to States in general and to developing countries in particular. The resolution adopted by States parties on the date for beginning the calculation of the time period for making submissions to the Commission on the Limits of the Continental Shelf is of far-reaching importance. Here, we also note the commendable participation of observer States, which shows the degree of interest on this matter. In the view of the Rio Group, these developments clearly demonstrate the role to be played by States parties to the Convention on the Law of the Sea in matters relating to the interpretation and application of the Convention.

The Rio Group has been following with interest the work being done by the Commission on the Limits of the Continental Shelf. It has paid particular attention to the Commission's Scientific and Technical Guidelines, which States should follow in preparing their submissions to the Commission. It also wishes to express its appreciation for the work done on preparing outlines of training courses in that regard. It looks forward to the publication by the Secretariat of the training manual for the preparation of submissions to the Commission, which we consider will be of great value, especially to developing countries.

The Rio Group also hopes that at their next Meeting States parties will grant observer status to the Commission on the Limits of the Continental Shelf, which would be consistent with the Commission's status as an organ of the Convention.

The Rio Group considers that the protection and preservation of the marine environment is essential for the future of the oceans, and that States clearly have an obligation to contribute to the realization of that principle. We welcome the adoption this year by the Food and Agriculture Organization of the United Nations of the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, and we consider it a matter of vital importance that our draft resolution on oceans and the law of the sea should urge States as a matter of priority to effectively implement the Plan of Action.

We also wish to stress the importance of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities. The Rio Group fully shares the view that most marine pollution results from activities of that kind. In that connection, the Rio Group looks forward to the outcome of the review of the status of implementation of the Programme, which is taking place at Montreal, Canada. It also takes note of the regional plans that some of its members are implementing in this sphere, such as the plan of action being carried out by States in the South-East Pacific region.

The Group considers that exploration for polymetallic nodules in the Area, which will take place when contracts are concluded by the International

Seabed Authority, has the potential to adversely affect the marine environment. The Group therefore appreciates the work of the Legal and Technical Commission of the Authority on the formulation of environmental guidelines and urges continued work on the formulation of environmental rules for contractors undertaking activities in the Area. It further encourages the Authority and its member States to give priority to aspects related to the protection of the environment when considering future regulations for prospecting and exploring for polymetallic sulphides and cobalt-rich ferromanganese crusts. There should be similar emphasis on paying due attention applying a precautionary approach. The Rio Group welcomes the fact that the draft resolution to be adopted on oceans and the law of the sea takes due note of this work.

The conservation of biodiversity and the sustainable use of its components constitute one of the objectives of the Convention on Biological Diversity, which naturally encompasses marine biodiversity. For the Rio Group, it is encouraging to see that the General Assembly is taking due note of the efforts being made by the Conference of the Parties to the Convention on Biological Diversity in the field of the protection and preservation of the marine environment, in particular the protection and preservation of vulnerable ecosystems such as coral reefs.

The Rio Group cannot conclude its statement on this item without thanking the Secretary-General for all the reports he has prepared for the Assembly during its current session. The report on oceans and the law of the sea, contained in document A/56/58 of 9 March 2001, gives us an overview of developments regarding the United Nations Convention on the Law of the Sea, and it served as the basis for our deliberations during the most recent Consultative Process.

We also appreciate the timely addendum which he prepared on the most recent and important events that took place after the report was issued, mainly concerning the Meeting of the States Parties and the meeting of the Commission on the Limits of the Continental Shelf and the work of the International Seabed Authority, all of which have been useful to the discussion and negotiation of the resolutions to be adopted on this item. The Rio Group also wishes to stress the need for prior consultations with all States on any value judgement contained in the report regarding compliance by States with the international law in force and the need to give States an opportunity to make relevant comments on the report.

The Rio Group also wishes to express its appreciation for the total dedication to the work of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat in order to facilitate our tasks in this important area. We thank the sponsors of the resolutions we are about to adopt for their dedicated efforts and persevering work.

Lastly, the Rio Group shares the view that the twentieth anniversary of the opening for signature of the United Nations Convention on the Law of the Sea should be commemorated. That event marks an important milestone in the development of the law of the sea, and the Rio Group therefore fully supports the decision to devote two days during the next session to consideration of the item.

Mr. Cappagli (Argentina) (*spoke in Spanish*): My delegation associates itself with the statement just made by the representative of Chile on behalf of the Rio Group.

The issue of the oceans and law of the sea is of particular importance to our country. Our delegation wishes to underline that the General Assembly resolutions stress the universal and comprehensive nature of the United Nations Convention on the Law of the Sea, as well as the Convention's importance for the sustainable use of the oceans and seas. We share that view.

For several years, we have noticed that sea-related issues have again acquired the central presence in the United Nations that they had several decades ago. We find this attitude encouraging, since the oceans are an exceptional fount of resources for all humankind and a vital element in the regulation of the planet's climatic stability. They therefore require the greatest attention. This healthy trend must naturally be accompanied by a reinforcement of Secretariat staff responsible for managing these issues, so that the Secretariat can continue assisting States the way it has so far.

This trend has also been visible in the useful exchange of views that takes place each year in the Consultative Process established by resolution 54/33. As a country with an extensive coastline, Argentina, too, believes that these issues should be the subject of a third meeting of the Consultative Process — the last

one before its revision — since the adequate protection and preservation of the marine environment is of fundamental importance to us. Our concerns also include the protection of the marine environment in relation to the mineral resources of the zone, as well as capacity-building, a topic also related to the transfer of technology. All these issues are of primary importance to developing countries. Our country is following with interest the efforts to define the benefits derived from marine scientific research and to advocate that those benefits be made available to all States.

Argentina welcomes adoption by the United Nations Educational, Scientific and Cultural Organization (UNESCO) of the Convention on the Protection of the Underwater Cultural Heritage. The Convention protects sites and objects of cultural value located in the sea from pillage and other illegal acts and thus completes UNESCO's regulatory architecture for protecting the cultural heritage of the entire world. In conformity with the requirements of the General Assembly's relevant resolutions, the UNESCO Convention is in keeping with international law in effect, including the Convention on the Law of the Sea.

We thank the Secretary-General for his wide-reaching and comprehensive report contained in document A/56/58. Nonetheless, we wish to point out that in paragraph 456 the report states

> "concerns have been expressed that the legal regime as set forth in Part XIII (the consent regime in article 246, in particular) and as implemented by States might in fact have damaging effects on the international marine science community."

However, the report does not cite any State as the source of this concern but, instead, a document issued by a private entity. We must approach this kind of declaration with caution. We point out that in our country marine scientific research carried out by third countries in our maritime space has been regulated for decades, and the processes established in relation to these regulations function adequately.

We should not neglect the usefulness of continuing international efforts, such as those of the Intergovernmental Oceanographic Commission, to assist States in elaborating effective rules and procedures enabling marine scientific research to proceed more efficiently. However, beyond the advisability of promoting international coordination in this area, neither should we diminish the regime of Part XIII of the Convention, which is based on the consent of the coastal States.

We must also mention the remarks contained in paragraph 270 of the report, on Argentinian legislation. Argentina reiterates its statements on the occasion of the Eleventh Meeting of States Parties to the Convention, that what is stated in this paragraph of the report does not conform to the correct interpretation and application of the internal norm in question. On the contrary, it is the conditions of application of this disposition, the result of the whole Argentinian legal system, that establish its complete compatibility with international law. That is why we believe that if the report contained some form of evaluation of a State's compliance with international law in effect, it would be reasonable that the Secretariat consult with that State before including such an evaluation in the report.

My delegation would like to voice its satisfaction at, and recall the great importance of, the decision taken by the Eleventh Meeting of States Parties establishing that, in the case of States in respect of which the Convention came into force before 13 May 1999, the 10-year period mentioned in article 4 of Annex II of the Convention started on that date.

Argentina, as a coastal State, has a priority interest in the preservation of fisheries resources within its exclusive economic zone as well as in the adjacent high seas. In this context, we would like to express our satisfaction at the adoption, at the twenty-fourth meeting of the Food and Agriculture Organization's (FAO) Committee on Fisheries, of the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, and we urge States to implement it promptly.

We also urge all States that have not yet done so to ratify the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, adopted by the FAO in 1993, so that it will soon enter into force.

The progress made by the International Seabed Authority in signing prospecting and exploration contracts with the first registered investors, following the adoption of the Regulations on prospecting and exploration for polymetallic nodules in the Area, is of great importance. The work of the Authority's Legal and Technical Commission in elaborating environmental guidelines is also very relevant.

Accordingly, we urge the Authority to keep under review environmental regulations for contractors working in the Area, so that they will remain up to date and consonant with scientific developments, to ensure that the marine environment is adequately protected.

The Authority and its member States have taken the first steps towards the consideration of standards to regulate the prospecting and exploration of polymetallic nodules and cobalt-rich crusts. We are gratified at this progress, and we urge them duly to take into consideration environmental aspects in future regulations.

In conclusion, as regards piracy and armed robbery on the high seas, Argentina is gratified that the International Maritime Organization, at its 22nd session — currently ongoing — has before it, with a view to its adoption, the Code of Practice for the Investigation of the Crimes of Piracy and Armed Robbery against Ships. Argentina urges that, as is reflected in the report of the second meeting of the Consultative Process created by resolution 54/33, States having information concerning facts or circumstances that might indicate that this type of crime has been committed kindly should communicate that information to the States concerned.

Mr. Yoshikawa (Japan): On behalf of the Government of Japan, I should like to express my appreciation to the countries that coordinated the two draft resolutions before us today, namely Brazil, Malta and the United States of America. My gratitude goes also to all of the representatives who participated in, and contributed to, the consultations in a spirit of cooperation.

Japan has always relied on the sea in various ways and thus attaches great importance to the United Nations Convention on the Law of the Sea (UNCLOS). We are pleased to note that 137 countries have become States parties to the Convention and that the Agreement relating to the Implementation of Part XI of the Convention has 103 States parties. My delegation appeals to the countries that have not yet done so to become parties to the Convention as well as to the Agreement.

In order to ensure the effective implementation of the Convention, it is essential to maintain its unified character. My delegation would like to stress the importance of harmonizing domestic legislation with the provisions of the Convention and of ensuring that every declaration and statement is in conformity with the Convention. We believe, therefore, that any declaration or statement that is not in line with the Convention should be withdrawn.

The United Nations is the focal point of international efforts regarding the oceans and the law of the sea. Japan deeply appreciates the Secretary-General's efforts and particularly welcomes his report, which covers a wide range of activities on the subject in a comprehensive manner.

Furthermore, Japan highly values the United Nations Open-ended Informal Consultative Process as a useful forum in which all Member States, including States that are not parties to the Convention, can discuss the Secretary-General's report and suggest issues to be considered by the General Assembly.

My delegation believes that the Consultative Process has been fulfilling this role effectively since its first meeting, held in May 2000, and hopes that the first review of the Consultative Process, during the fifty-seventh session of the General Assembly, will decide to continue this process.

Japan attaches particular importance to the following three areas, which constitute the main pillars of the draft resolutions before us today — namely, fisheries, piracy and armed robbery at sea, and marine scientific research. I therefore would like briefly to present Japan's position on those three areas.

First, regarding fisheries and related issues, such as illegal, unreported and unregulated fishing, Japan is fully conscious of the need for the conservation and management as well as the sustainable use of living marine resources. It has been addressing the issue as a responsible fishing country and also in cooperation with other concerned countries, as well as through the Food and Agriculture Organization of the United Nations (FAO) and relevant regional fisheries management organizations.

Furthermore, as a State party to the Convention, Japan recognizes the importance of the issue of straddling fish stocks and highly migratory fish stocks. It will make every effort, therefore, in cooperation with the countries concerned and bearing in mind the marine ecosystem, to ensure appropriate conservation and management as well as the sustainable use of those resources by eliminating illegal, unregulated and

unreported fishing and taking measures for managing fishery resources.

In this connection, my delegation notes that the Agreement for the implementation of the provisions of UNCLOS of 10 December 1982 relating to the conservation and management of straddling fish stock and highly migratory fish stocks will enter into force in early December and that the establishment of a new regional fisheries management organization is being considered. Japan is carefully following these recent developments and will continue to take the necessary actions regarding this issue.

Secondly, let me refer to the question of piracy and armed robbery at sea. The world, and in particular the South-east Asian region, continues to be plagued by piracy and armed robbery at sea, despite the efforts of affected countries as well as the relevant international and regional organizations. Japan has been active in combating these illegal activities. Most recently, in October this year, Japan organized the Asian Cooperation Conference on Combating Piracy and Armed Robbery against Ships. Participants were Government officials, representatives of shipowners' associations and private-sector researchers from 17 countries and regions in Asia, as well as representatives from relevant international organizations. In the course of the intensive discussions, it became evident that, in order to ensure the effectiveness of measures against piracy, regional cooperation among States would be indispensable and that cooperation between the private and public sectors and with international organizations should be enhanced towards that end. It was also suggested that a working group of governmental experts be established to consider developing a regional cooperation agreement. Participants at the ASEAN plus Three summit meeting held in Brunei this month expressed their support for the idea of establishing a working group, and Japan is now taking steps to establish such a group as soon as possible.

I believe that cooperation in the Asian region can provide a useful example to other regions in their fight against piracy and armed robbery at sea. Japan is determined to do its best to address this issue in cooperation with other Asian countries, as well as international organizations such as the International Maritime Organization, and to make the seas safe for international navigation.

The third area that I wish to touch upon is marine scientific research. Although part XIII of the Convention contains provisions for conducting marine scientific research, it is regrettable that there are some cases in which marine scientific research programmes are hindered because the provisions are not fully implemented through national laws and regulations. In addition, although the Division for Ocean Affairs and the Law of the Sea of the United Nations Secretariat's Office of Legal Affairs developed a guide in 1989, entitled "Marine Scientific Research: a Guide to the Implementation of Relevant Provisions of the United Nations Convention on the Law of the Sea", the guide is not up to date, due to the fact that it was prepared before the Convention entered into force.

My delegation would therefore like to emphasize that a comprehensive study needs to be undertaken and amendments made to the guide, to ensure the smooth conduct of marine scientific research. In this regard, it is essential to solicit the views of those involved in marine scientific research.

We regard the International Oceanographic Commission (IOC) as the proper forum for this work, and we support the development of procedures by the IOC, working in close cooperation with the Division for Ocean Affairs and the Law of the Sea, under part XIII of the Convention. My delegation is pleased to see that this position has been duly reflected in the report on the work of the second meeting of the Consultative Process and in the draft resolution in document A/56/L.17.

Before concluding, I would like briefly to refer to the work of the Commission on the Limits of the Continental Shelf. It is expected that a large number of States parties will soon start submitting particulars on the outer limits of the continental shelf beyond 200 nautical miles, and that the Commission will start making its recommendations. As the Commission enters this critical phase of its work, my delegation would like to affirm Japan's determination to redouble its efforts to contribute actively to the work of the Commission. As Mr. Hamuro will be leaving the Commission when his term of office expires, the Japanese Government has submitted the candidature of Professor Tamaki of Tokyo University to replace Mr. Hamuro. Professor Tamaki is here to observe the debate. My Government would like to ask for the valuable support of the States parties in the upcoming elections, in April 2002.

It is imperative that all States that depend upon the sea, including Japan, develop cooperative relations at the regional, subregional and global levels, so that present and future generations will be able to continue to reap the benefits of the sea. It is my delegation's hope that the ideas that I have put forward today will contribute to that end.

Mr. Shen Guofang (China) (*spoke in Chinese*): At the outset, I would like to thank the Secretary-General for his report on oceans and the law of the sea, which is very informative and provides an excellent basis for our consideration of the agenda item. I would also like to thank the Ambassador of Iran for his statement on behalf of the Group of 77 and China, which the Chinese delegation fully supports.

The United Nations Convention on the Law of the Sea and its associated agreements provide a basic legal framework for human activities in respect of the oceans. We are pleased to note that there are currently 137 parties to the Convention, and that its universality has been further enhanced. We hope that more countries will become parties to the Convention. The Chinese Government attaches great importance to the role of the Convention and has actively participated in the activities of the various institutions set up under it.

The Chinese Government supports an integrated approach to marine management and the efficient and sustainable use of marine resources. The decision by the General Assembly to establish the Informal Consultative Process on Oceans and the Law of the Sea reflects the general concern of all States about ocean affairs and the law of the sea.

During the second meeting of the Informal Consultative Process in May, discussions were held on marine scientific research, marine environmental protection and combating crimes at sea, and positive results were achieved. The Chinese delegation believes it important to further strengthen the role and responsibilities of the relevant United Nations agencies and institutions with regard to the development and transfer of marine science and technology, as well as their coordination. The implementation of the relevant provisions of part XIV of the Convention on the law of the Sea, on the development and transfer of marine technology, should be enhanced, and effective programmes should be formulated to help developing countries in capacity-building.

The Chinese Government attaches great importance to the issue of combating crimes at sea, and has taken active measures in this area. The Chinese delegation believes that the active role that is being played by the International Maritime Organization (IMO) in preventing and combating piracy and armed robbery at sea should be further strengthened; it is desirable to make the IMO a coordinating body in this field. Countries should be encouraged to establish unified agencies for law enforcement at sea, and to step up their efforts to combat crimes at sea. Regional cooperation should be further encouraged, with a view to developing a rapid and effective system of information-sharing, so that we can jointly combat crimes at sea.

The Chinese delegation is pleased to note that, following the adoption of the Regulations on prospecting and exploration for polymetallic nodules in the Area, the International Seabed Authority has entered into exploration contracts with a series of pioneer investors. This marks a new stage in the development of the international seabed. At the same time, the Chinese delegation encourages the Authority to start work on the formulation of regulations on the exploration of resources other than polymetallic nodules, such as polymetallic sulphites and cobalt-rich crusts on the ocean floor, and believes that this is one of the practical steps for the implementation of the Convention and an important measure for strengthening the management of the resources of the international seabed.

Progress has been made in the work of the Commission on the Limits of the Continental Shelf. To date, the Commission has completed its work on the technical documents needed for considering coastal States' submissions on delimitation cases. The Eleventh Meeting of States Parties to the Convention on the Law of the Sea has determined, in accordance with article 4 of annex II to the Convention, a new starting date for the 10-year time period for submissions on delimitation cases.

The Chinese Government welcomes all of these new developments. The International Tribunal for the Law of the Sea is playing an increasingly important role in settling maritime disputes and maintaining the order of the oceans. We are very pleased to see that the Tribunal is making positive progress in its work. The Chinese Government will always support the work of the Tribunal.

Peaceful settlement of international disputes is a fundamental principle of the Charter of the United Nations. China has always believed that disputes among countries over their rights and interests with regard to territory or maritime resources should be justly resolved in accordance with international law and through peaceful means, including negotiation and consultations.

Mr. Ingólfsson (Iceland): At the outset, I would like to commend the Secretariat, in particular the very able staff of the Division for Ocean Affairs and the Law of the Sea, for their comprehensive reports on the oceans and the law of the sea and on the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. In our view, the reports are a good basis for the annual debate in the General Assembly. I would also like to acknowledge the effort of the two coordinators during the informal consultations on the two resolutions.

The Convention on the Law of the Sea provides the legal framework for all our deliberations on the oceans and the law of the sea. It is imperative that the Convention be fully implemented and that its integrity be preserved. We welcome the ratification of the Convention by an additional two States, which brings the total number of States Parties to 137. As we are approaching the twentieth anniversary of the Convention, we urge Member States of the United Nations that still have not ratified the Convention to do so in order to achieve the goal of universal participation.

We note with satisfaction that the three institutions established under the Convention on the Law of the Sea are functioning well. The International Tribunal for the Law of the Sea has already dealt with several cases in an expeditious and effective manner, and now has before it the important case of the mixed oxide plant in Sellafield. The International Seabed Authority adopted regulations on prospecting and exploration for polymetallic nodules in the Area last year and now has under consideration possible regulations for exploration for other seabed minerals. Contracts with six pioneer investors on exploration for polymetallic nodules have already been signed.

We have followed with special interest the work of the Commission on the Limits of the Continental Shelf. The Commission is now ready to receive submissions from coastal States regarding the establishment of the outer limits of their continental shelves beyond 200 nautical miles. Iceland endorses the decision of the eleventh meeting of States Parties to the Convention regarding the starting date for calculating the 10-year time period referred to in Article 4 of Annex II to the Convention. The starting date shall be 13 May 1999 in the case of those States Parties for which the Convention entered into force before that date. That day, the Commission adopted its Scientific and Technical Guidelines, and it was then that States first had before them all the basic documents concerning submissions in accordance with the Convention. However, we encourage all States Parties to the Convention that are in a position to do so to make submissions to the Commission within the time period established by the Convention. In that regard, we note that the first submissions are expected in the very near future.

We welcome the fact that 30 States have ratified the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks and that, consequently, it will enter into force in only two weeks, namely on 11 December. The Agreement is of paramount importance, as it provides a framework for conservation and management of those stocks by regional fisheries management organizations. We urge all States that have not done so to ratify the Agreement, and emphasize the importance of effective implementation of its provisions.

One of the most serious and extensive threats to the health of the marine ecosystem is pollution from land-based sources. However, the implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities has fallen short of expectations. National or regional action plans to address pollution from land-based sources are an important tool with which to address this problem. Only a few countries have adopted such national action plans. Iceland is one of those countries, and we strongly urge other Governments to develop their own plans of action. As we are gathered here, the first intergovernmental review meeting on the

implementation of the Global Programme of Action is taking place in Montreal. It is imperative that the intergovernmental review meeting renew the commitment of Governments, international financial institutions and the private sector to the implementation of this very important programme.

Sustainable management of living marine resources is another area where there is a need for more effective action. Last October, my Government hosted the international Reykjavik Conference on Responsible Fisheries in the Marine Ecosystem. The conference was organized in cooperation with the Food and Agriculture Organization of the United Nations (FAO) and with the co-sponsorship of the Government of Norway. The objective of the Conference was to review the experience of applying ecosystem considerations in fisheries management and to identify challenges and strategies for inclusion of ecosystem considerations.

The Conference adopted the Reykjavik Declaration on Responsible Fisheries in the Marine Ecosystem. The Declaration clarifies the nature and objectives of ecosystem-based fisheries management, and recognizes that it entails taking into account the impacts of the marine ecosystem on fisheries, as well as the impacts of fisheries on the marine ecosystem. In adopting the declaration, States resolved to incorporate ecosystem considerations into fisheries management and to cooperate in assisting the developing countries to that end. The Declaration specifically calls upon the international financial institutions to cooperate with the FAO in supporting the developing countries in this endeavour.

The Reykjavik Declaration on Responsible Fisheries in the Marine Ecosystem is a landmark contribution of the fisheries nations to the coming World Summit on Sustainable Development in Johannesburg. The Declaration was recently endorsed by the thirty-first session of the FAO Conference in Rome, and my Government has, at the request of the participants in the Reykjavik Conference, conveyed the Declaration to the Secretary-General of the United Nations, requesting that it be circulated as an official document of the General Assembly in the preparatory process of the Johannesburg Summit.

Mr. Stuart (Australia): Oceans and law of the sea issues are of critical importance to Australia, which is the world's largest island and has one of the world's longest coastlines and among the world's largest maritime zones and continental shelves. Three of the world's great oceans break on our shores. Australian maritime zones range from tropical waters in the north to the cold waters of parts of the Southern Ocean. The world's largest coral reef system fringes the north-eastern coast of Australia. The biodiversity of Australia's marine ecosystems is remarkable.

It stands to reason, then, that the protection of the marine environment is a key priority for Australia within waters under national jurisdiction in our region and globally. The challenges are many. They include pollution, unsustainable exploitation of fisheries resources and damage from navigation activities. Our national oceans policy, which we launched in 1998, embraces strategies to protect the marine environment that take an integrated or multiple-use approach to ocean management. Our National Oceans Office, which we established last year, provides the institutional backing to oversee implementation of our oceans policy.

Australia is pleased that the protection and preservation of the marine environment and integrated oceans management will be taken up at the next meeting of the United Nations Open-ended Informal Consultative Process relating to oceans and the law of the sea. This Informal Consultative Process has been a very positive step forward for the United Nations in its treatment of practical aspects of law of the sea and oceans issues. The informal consultations have quickly become a forum for States to discuss, in a detailed and practical manner, a range of issues and to facilitate cooperation and coordination between the many United Nations programmes and institutions that have some responsibilities in the area of oceans and sea law issues. We welcome the fact that even those States which expressed some initial doubts about the value of this initiative have participated fully and constructively in the Process.

The second meeting of the Informal Consultative Process focused on piracy and marine science. Piracy is very much a concern in the waters to the north of Australia and the recommendations of the consultative meeting will, in our view, assist regional efforts to combat the recent rapid growth of piracy and armed robbery at sea. They will also facilitate effective implementation of the novel regime for scientific cooperation found in part XIII of the United Nations Convention on the Law of the Sea.

One theme which emerged from the focus on marine science at those consultations was how much we still have to learn about the marine environment, especially in relation to marine biodiversity in high sea areas. We know more about the surface of the moon than we do about some deep ocean areas. Some high sea areas, such as oceanic ridges, contain a staggeringly rich biodiversity. Australia believes that it is now time to consider how to conserve and manage these unique areas.

As a positive example of greater international cooperation in this area, Australia has supported the development of the Global Ocean Observing System, developed through the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization, together with the World Meteorological Organization and the United Nations Environment Programme.

The obligation to assist persons in distress at sea is a fundamental principle of the maritime community and it is one to which Australia is fully committed. As recent experiences around the world have indicated, however, it is not always as straightforward a task as one would wish, particularly where issues of sovereignty and illegal activities, such as people-smuggling, are involved. Additional complications have been introduced by large numbers of asylum seekers setting out in sub-standard ships, with ensuing risk to their own lives and possibly those of the rescuing crews, in order to force the rescuers to take them to a place of their choosing.

In this context, the Norwegian delegation made some assertions in its statement yesterday concerning a recent incident involving a vessel, the MV *Tampa*, which require a response. The rescue by the MV *Tampa* occurred outside the search-and-rescue region designated as being the responsibility of Australia. Beyond the issuing of a distress relay, Australia did not direct the rescue, responsibility for which was assumed by the Indonesian Rescue Coordination Centre. Australian Search and Rescue was advised by the Norwegian Rescue Coordination Centre that the rescue had been completed, that the vessel had resumed its voyage and was en route to the port of Merak in Indonesia, and that the *Tampa* had been in contact with Indonesian authorities. We understand, however, that, because of pressure from those rescued, the master turned the MV *Tampa* around and headed for Christmas Island, which is part of Australian territory.

Australia notes that the MV *Tampa*, which was carrying intended unauthorized arrivals, entered into Australian territorial waters surrounding Christmas Island despite an Australian direction that it not do so. It is relevant — and, unfortunately, it is something that has been completely omitted from the CNN version of these events — that Christmas Island has no port suitable for the landing of substantial numbers of people. Australian authorities were monitoring the situation on board the *Tampa* and, under the circumstances, decided that there was no requirement for the vessel to approach the Christmas Island port facility. Assistance was provided to those on board, including food and medical monitoring and attention.

Australia is fully aware of the obligations and traditions attached to the rescue of those in distress at sea. We have upheld those obligations and traditions. Australia is also aware that circumstances such as those that arose in relation to the MV *Tampa* should not be able to be used as a means of entering the territory of a State unlawfully.

In this context, Australia, like Norway, welcomes the initiative of the Secretary-General of the International Maritime Organization to establish a cooperative inter-agency working group within the United Nations framework to develop a coordinated international approach to such issues. Australia reaffirms its full commitment to the ideals and aims of enhancing safety of life at sea for all persons, regardless of their circumstances.

Let me turn to the issue of fishing activities. Australia welcomes the news that the United Nations Fish Stocks Agreement will enter into force next month. This Agreement, which implements key provisions of the United Nations Convention on the Law of the Sea, provides a framework for the sustainable conservation and management of highly migratory fish stocks and straddling stocks. The entry into force of the Agreement requires a fundamental change in the way fishing activity has been conducted in many parts of the world. No longer can vessels fish for stocks on the high seas until they collapse. No longer can fishing vessels take high levels of non-target species in the course of their fishing. No longer should short-term gain be sought at the price of the long-term survival of a stock or a species.

It is crucial that all States engaged in fishing activities become parties to the Agreement. This will

ensure the effective cooperation between coastal States and fishing States necessary to ensure the long-term sustainable conservation and management of the world's fisheries resources.

In the same spirit, Australia strongly supports the new Western and Central Pacific Fisheries Convention, which has the United Nations Fish Stocks Agreement as its basis. A preparatory conference process is now under way to establish the regional commission that will manage much of the Western and Central Pacific's tuna resources. We urge all distant-water fishing States which participated in the negotiation of this Convention to work constructively with members of the Pacific Island Forum group and others in that preparatory conference process. In doing so, we can ensure that the resources of the Pacific are conserved and managed for the long-term benefit of all.

One of the great threats to the long-term sustainability of the world's fisheries resources is the rise of illegal, unreported and unregulated fishing. Australia was therefore pleased to play a leading role in the development of the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing. The Plan, which was adopted by the Food and Agriculture Organization of the United Nations in February, places some emphasis on the role of flag States in controlling the fishing activities of their vessels, but it also recognizes that other States should act to prevent illegal fishing. The Plan requires States to devise national plans of action to combat illegal fishing and to submit them by 2004. Australia is well advanced in developing its national plan and we urge other States to take similar steps.

There have been a number of other recent developments in which Australia has had a part and which demonstrate the breadth of issues and the extent of international cooperation relevant to this item. They include the elaboration of the Agreement on the Conservation of Albatrosses and Petrels, which was adopted last February. They include the decision taken by the Meeting of States Parties to the United Nations Convention on the Law of the Sea this May to provide additional time for certain States to make a submission to the Commission on the Limits of the Continental Shelf, defining the outer limits of areas of extended continental shelf Australia is well advanced in its work to define our areas of extended continental shelf, and we are working to be in a position to make a submission to the Commission in the not-too-distant future.

Another positive development was the adoption last month of the Convention on the Protection of Underwater Cultural Heritage, which provides for an international regime to better protect and preserve underwater cultural heritage. Appropriately, this Convention reflects the primary role of the coastal State in bringing about such protection.

In closing, I want to express Australia's support for the two draft resolutions that are before the General Assembly under this item. We thank the coordinators for their work, and the Secretariat for its assistance. The draft resolutions identify a broad range of issues of relevance to oceans, law of the sea and fisheries, including the many threats to marine environment and sustainable fisheries. They call on States to take practical steps to address these threats. Australia is pleased to co-sponsor these texts.

Mr. Paolillo (Uruguay)(*spoke in Spanish*): I wish to add some comments to those made by the delegation of Chile on behalf of the Rio Group, with which Uruguay fully associates itself.

My delegation congratulates the Secretariat once again this year, particularly the Division for Ocean Affairs and the Law of the Sea, on the excellent report on the situation of the oceans and its resources, contained in document A/56/58 and Add.1. As usual, the document contains much information on the situation of the oceans and their resources, as well as on all the matters related to their use and exploitation.

This report, like those submitted on this item in previous years, is characterized by a feature that makes it extraordinarily useful; the fact that the matters related to the oceans have been examined from a multidisciplinary perspective, not with an exclusively juridical focus, which is noteworthy considering that the report is prepared by a division of the Office of Legal Affairs. We trust that this focus will be maintained in future reports. Meanwhile, we ask ourselves if it is not time to think about whether the current placement of the Division for Ocean Affairs and the Law of the Sea in the organizational structure of the Secretariat is the best one.

The matters examined in the report are numerous and very important, which makes it impossible to express our opinion on all of them. I will limit myself

to making very general comments about some matters of particular interest to Uruguay.

This year's report corroborates our belief that the preservation of the marine environment and its resources has become an increasingly serious problem that should be a matter of absolute priority on this Organization's agenda and a central concern of our Governments.

The categorical affirmation with which the report is begun announces what will be a recurring theme throughout the document. The first two sentences of the report state,

> "The state of the world's seas and oceans is deteriorating. Most of the problems identified decades ago still elude resolution, and many are worsening." (*A/56/58, para. 1*)

At the same time, we may recall that in his most recent annual report on the work of the Organization, the Secretary-General tells us equally emphatically that

> "increased resource demands continued to cause global ecosystems to deteriorate, with potentially devastating results for human development and the welfare of all species." (*A/56/1, para. 173*)

We should not overlook these almost apocalyptic pronouncements. tone. It is true that during the past 30 years we have witnessed an extraordinary development of international norms aimed at preserving the environment, through the conclusion of conventions and treaties, the adoption of all types of regulations and decisions in international organizations and the development of national legislation. However, statements like the ones I have just mentioned reveal to us very crudely that neither the international community nor Governments are doing enough to halt this trend that seems to be leading us to an ecological crisis of incalculable consequences.

This problem should not be met with additional legislation. The regulations that govern fishing activities in the seas and oceans are abundant and adequate. More regulations are not needed. What is needed is the promised fulfilment by States and parties of commitments made.

The problem of illegal fishing is a particular concern for my country. As stated to us in the report, illegal, unreported and unregulated fishing activities not only continue; they have also increased, including in the South Atlantic region, the area of interest to my country. Years after having become aware of the magnitude of the sustainability crisis affecting marine living resources, excessive and illegal fishing activities continue without showing any sign of abating.

These fishing activities are carried out in contravention of the current conventions, regulations, regional agreements and national legislation, and they can have devastating impacts on marine ecology, biodiversity and the preservation of the species. This demonstrates the inexcusable indifference and insensitivity of the States and parties that carry out or allow such activities.

In this regard, the spread of the practice registering ships in countries with which they have no link is a concern. It is disappointing to observe the degree to which article 91 of the United Nations Convention on the Law of the Sea, which contains obligatory rules on the nationality of ships, is not respected by some States parties to the Convention. It is equally disappointing to see that, 15 years after its adoption, the 1986 United Nations Convention on Conditions for Registration of Ships has been ratified by only 11 States.

Fortunately, there are some positive indicators in this matter. First, we highlight the imminent entry into force, within the next few days, of the August 1995 Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks. The number of parties is still relatively small and does not include, regrettably, a majority of the parties that possess the largest fishing fleets. The States that, like Uruguay, have agreed to assume the obligations imposed by the Agreement, particularly the strictest obligations, relating to the flag status of fishing vessels operating on the high seas, hope that the States that have not yet done so will ratify or adhere to the Agreement. They are necessary for the introduction, for the benefit of all, of more order and rationalization in the exploitation of marine living resources.

Secondly, we view positively the adoption of the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing. Even though it is a non-binding instrument, it contains valuable provisions, such as the definition of illegal fishing, which can serve as a basis for future legal development. It also reiterates the obligations of the flag State, contained in various international

instruments, as well as principles and rules that make up the juridical framework within which fishing activities should be carried out.

We are pleased with the importance the report attaches to the issue of the maritime transport of radioactive and other dangerous materials. For some time now, ships transporting plutonium from Europe to Japan have moved through sea lanes in the South Atlantic near our coasts and those of neighbouring countries. Those ships are transiting the area with increasing frequency, eliciting complaints by us and our neighbours about the real risk that the transit creates in the maritime zones under our national jurisdictions and on our territories.

The passage of those ships along our coasts is a source of constant concern to the Government and people of Uruguay, since it seems that such crossings will be even more frequent in the future. The amendments adopted by the Maritime Safety Committee to chapter VII of the International Convention for the Safety of Life at Sea came into force this year. Our country hopes that ships transporting dangerous substances through waters near our coasts will comply strictly with the amended Convention, as well as with other regulations of the International Atomic Energy Agency and similarly applicable legislation.

Uruguay congratulates the Eleventh Meeting of States Parties to the Convention for having adopted the very reasonable decision of calculating the ten-year period for transmitting information to the Commission on the Limits of the Continental Shelf from 13 May 1999 onward. That will enable our country to supply the Commission with comprehensive and well substantiated data.

Uruguay has completed bathometric studies in cooperation with the Government of Italy, the European Union and the International Maritime Organization's International Maritime Academy in Trieste. Our country is now preparing to embark on geological studies in order to apply the formula set out in the Convention to determine the outer limits of our continental shelf.

The informal consultative process is consolidating its role as an extremely useful venue for discussion of the most important problems related to oceans and their use. We believe that the selection of topics for the next sessions is very sound. We accept the topics proposed for the forthcoming session, namely, capacity-building and regional approaches to the management and exploitation of the oceans. Those topics seem to have elicited broad support. However, we would like to voice our preference for the selection of topics that are more closely related to the preservation of the marine environment and its resources, since we believe that, in order to take the necessary measures, it is in this area that we need greater knowledge about what is happening. In that connection, I would suggest that the consultative process should occasionally concentrate on a single topic. Some topics are quite broad and complex. In fact, that could be said of most matters associated with the protection of the environment. We believe they deserve a full week's consideration.

Finally, I would like to place on record my country's view that the consultative process could not be in better hands than it is at present, namely, in the hands of Mr. Tuiloma Neroni Slade and Mr. Alan Simcock. Nevertheless, we hope that the principle of rotation will be applied to the co-chairmanship in the future there.

Mr. Tarabrin (Russian Federation) (*spoke in Russian*): The Russian Federation attaches priority to the General Assembly's examination of the marine issue, in view of the importance and relevance of this issue for the entire international community. We would like to extend our gratitude to the Secretary-General for the documents he has prepared, which underpin the discussion we are holding today.

Russia once again reiterates its adherence to the 1982 United Nations Convention on the Law of the Sea, which we consider to be a basic international agreement in this area. In the almost 20 years of its existence, the Convention has been making an important contribution to establishing a single international legal order in marine matters and to improving the coordination of international cooperation. We note in particular the Convention's role in maintaining peace and security in the use of the sea and the oceans for peaceful purposes. We appeal to all States that have not yet done so to accede to the Convention as soon as possible in order to ensure its truly universal character.

We consider the Convention to be the basis of national, regional and global action in the marine sector. Unfortunately, we must point out that certain

international mechanisms are working on problems related to the law of the sea outside the framework of the 1982 Convention, which is something that detracts from a single order for the entire world. We therefore view as controversial the recently adopted United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Protection of Underwater Cultural Heritage. Some of the provisions of that Convention actually undermine the integrity of the regime of the seas and oceans and are therefore unacceptable to the Russian Federation. The Convention could be understood to give extra rights to coastal States, including the right to take any unilateral measures they see fit under the pretext of protecting underwater cultural heritage. The ambiguity of this situation is fraught with the danger of creating conflict situations. We also disagree with the limitation of usual norms of international law regarding the inviolability of sunken warships. We assume that the provisions of this Convention will be binding only on States parties and that they will not affect ships under the flags of other States or aircraft registered in other countries.

On the other hand, we believe that a positive aspect in the development of international cooperation on ocean affairs this year is the deposit of the instrument of ratification of the thirtieth State to have acceded to the Agreement relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, whose entry into force is expected before the end of the year. We are certain that this treaty's entry into force will be a significant contribution to the preservation of the marine environment and the conservation of the world's fish stocks.

As a great maritime Power, we have followed with keen interest efforts to improve mutually beneficial international cooperation on ocean affairs. We are actively participating in the informal consultative process on this issue. At the same time, we feel that work in that new forum must not duplicate or trespass on the competence of other international meetings on the law of the sea, and should generally focus on examining questions that are not covered by the United Nations Convention on the Law of the Sea, as well as on new areas of cooperation in this field. We disagree with the efforts to use the meeting of the Informal Consultative Process to correct or amend certain provisions of the 1982 Convention.

Russia supports the adoption by the General Assembly today of the draft resolutions, entitled "Oceans and the law of the sea" and "Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks". We are grateful to the coordinators and delegations that have taken part in the preparation of those documents.

At the same time, we believe it necessary to state clearly that several provisions of the draft resolution on oceans and the law of the sea raise serious concerns for us.

First, we would like to draw attention to the fact that in this draft resolution, the General Assembly is changing the dates for convening meetings of the Convention bodies, specifically, the Meeting of States Parties to the Convention and the session of the Commission on the Limits of the Continental Shelf, which were earlier established by these bodies. We are convinced that the General Assembly can have no such right. The Russian delegation takes note of the explanation by the Secretariat about it being impossible to hold the Meeting of States Parties and the session of the Commission at the earlier agreed date in light of the need to postpone the General Assembly special session on children. In this regard, we view the Assembly's change of date for the meetings of the Convention bodies in 2002 as caused by a force majeur and thus not creating any precedent for the future.

Secondly, we are not satisfied with operative paragraph 23 of the draft resolution. The issue is the granting to the Intergovernmental Oceanographic Commission and its Advisory Body of Experts on the Law of the Sea of the right to work on the development of procedures under Part XIII of the Convention. We consider that this part of the Convention sets forth all the necessary procedures sufficiently clearly, and any further work is out of place. We have serious doubts about the usefulness of such work, and we cannot agree with the line of thought designed to virtually revise the provisions of the United Nations Convention on the Law of the Sea.

For the sake of saving time, the Russian delegation will not go into an explanation of vote on the adoption of the resolution. However, we ask that the position that was put forward above, on paragraphs

9, 20 and 23, be reflected in the official record of today's meeting.

Mr. Ascencio (Mexico) (*spoke in Spanish*): Allow me to begin by thanking, on behalf of my delegation, the coordinators on each of the resolutions related to agenda item 30 (a) and (b). We are grateful for their intense work and dedication in achieving the results we now have before us.

We must also thank the Secretary-General for preparing and presenting his reports, for they not only provide a general overview of developments in the law of the sea, but also supply indispensable elements for the debate and negotiation of the Consultative Process and the corresponding resolutions.

My delegation also wishes to associate itself with the statement made by the representative of Chile on behalf of the Rio Group.

Mexico is a country that considers that the oceans and the law of the sea are a very important strategic topic. Mexico has 10,000 kilometres of coastlines, and, as a nation situated between two seas, we feel that the work of the General Assembly in this domain deserves all our attention and support. We are aware that the problems of maritime space are not only closely interrelated, but also have to be examined as a whole and from an interdisciplinary, intersectoral and comprehensive perspective.

The 1982 United Nations Convention on the Law of the Sea reflects the balance achieved between the rights, obligations and interests of coastal States and the interests of the international community. This is why the Convention has continued to serve as a central axis on which all the activities related to oceans hinge.

We believe that international cooperation at all levels is necessary to complement all national efforts to promote the overall management and sustainable development of the marine environment. For Mexico, this type of cooperation, in particular at the bilateral and regional levels, is essential to achieving our common objectives in the sustainable development of the oceans. This is why the Government of Mexico is promoting the holding of a Caribbean conference on maritime delimitation to help generate the necessary conditions to reduce the obstacles preventing effective bilateral and regional cooperation in the Caribbean.

We believe that marine science has an important part to play in contributing to food security. In this connection, we fully agree with the conclusions in the report on the Consultative Process, as reflected in document A/56/121.

We join the rest of the international community in its concern over the increase in illegal, unreported and unregulated fishing. Bilateral and regional cooperation is a necessary tool to combat this type of activity, which is detrimental to the protection and management of fisheries resources.

The protection and preservation of vulnerable ecosystems such as coral reefs must be among our priorities. Coral reefs have crucial functions from an environmental point of view, and they are necessary for the development of coastal communities.

In recent years, in my country, we have unfortunately noted significant damage to our great coral riches as a result of physical impacts by ships. There are three main categories of impact: running aground, dragging anchors and striking the coral reef during navigation. We are glad to see that our concern is reflected in the draft resolution. We feel that the General Assembly is taking an important step forward today in joining international efforts to protect and preserve coral reefs.

We also welcome, as a positive step, the fact that the Assembly is recognizing the intense labour of the Conference of the Parties to the Convention on Biological Diversity, including the protection of coral reefs. As pointed out in the Secretary-General's report on oceans and the law of the sea, the question of coral reefs has been added to what is called the Jakarta Mandate on Marine and Coastal Biodiversity, adopted by the Conference of the Parties of the Biodiversity Convention. We are also glad to see that the ecosystem approach and the precautionary principle are being applied to the conservation and management of oceans.

Another matter that deserves our attention is capacity-building. This is a central aspect that cuts across the main axis of every topic relating to the oceans and law of the sea. It goes without saying that developing countries require specialized assistance to discharge the obligations imposed upon them by the Convention, and it is necessary to promote concrete measures to facilitate access to such assistance for them in all domains. Only in this way can a uniform regime for the law of the sea be effectively guaranteed.

A case in point is safety of navigation, because it is important that developing countries prepare or update their charts and other nautical documents. Here, we attach importance to the work of the Sixth Committee with a view to the Assembly granting observer status to the International Hydrographic Organization in order to facilitate its technical assistance activities in this sphere.

We note with satisfaction that draft resolution A/56/L.18 takes note of the recent adoption by the United Nations Educational, Scientific and Cultural Organization (UNESCO) of the Convention on the Protection of the Underwater Cultural Heritage, which is a positive development in keeping with article 303 of the Convention and with the obligation of all States to protect underwater archaeological and historical objects. We note too that the UNESCO Convention provides for a connection with the United Nations Convention on the Law of the Sea. That is of importance for Mexico, because it helps more precisely to identify the areas in which the activities of interested countries and institutions can take place.

The United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea has proven its value in facilitating discussions on the law of the sea, which is a subject of strategic importance. We note that next year there will be a review of the results of the Process in order to help determine its future. In our view, the establishment of the Informal Consultative Process has enabled States and international organizations with competence in ocean affairs more efficiently to target their resources. It has also demonstrated the importance of international cooperation in consolidating a regime under which the sea will be used for the benefit of all. To be sure, three years is too short a time after which to evaluate an initiative of such magnitude, and we trust that the review process at the fifty-seventh session of the General Assembly will make it possible to strengthen areas of the Process that need adjustment, thus helping improve contacts among institutions.

With respect to the 2002 programme of work of the Process, Mexico is pleased at the Assembly's choice of topics, because these focus special attention on the protection and preservation of the marine environment and its strong links with capacity-building and cooperation. We believe that discussion of those topics will enable us to analyse more carefully the implementation of Part XII of the Convention and other related developments. That creates the possibility of considering efforts based on the Jakarta Mandate on Marine and Coastal Biodiversity, which was adopted by the Conference of the Parties to the Convention on Biological Diversity.

On the second topic for discussion in the Consultative Process, we consider that it comprises cross-cutting matters in the sphere of ocean affairs. In our view, the illustrative list is merely indicative, not an exhaustive list of all possible topics. The variety of ocean affairs related to capacity-building, regional cooperation and coordination and the integrated management of oceans is undoubtedly more extensive. We are convinced that in carrying out its mandate the Consultative Process will take account of the forthcoming World Summit on Sustainable Development. We must not forget that Part XII of the Convention lies within a broader context that is enriched by the instruments and programmes adopted at the United Nations Conference on Environment and Development, held at Rio de Janeiro.

Clearly, one of the main challenges in implementing the Convention is to provide support for developing countries. We cannot fail to acknowledge that, without support from the international community, many States will be unable fully to meet their obligations under the Convention. Here, we must stress the value of the assistance provided by the Division for Ocean Affairs and the Law of the Sea, for which we convey our appreciation. There is a growing role for the Division, and we must ensure that it has the resources it needs to carry out its mandate effectively. We appeal to the Secretary-General, in the preparation of draft United Nations budgets for forthcoming bienniums, to give due consideration to the importance of the Division when allocating resources to it.

Mexico takes note of the imminent entry into force of the Agreement for the implementation of the provisions of the United Nations Convention on the Law of the Sea relating to the conservation and management of straddling fish stocks and highly migratory fish stocks. We recognize that the Agreement will provide very important elements for the conservation and management of high-seas fisheries resources. Mexico reaffirms what has repeatedly been said in many forums: that the interests of all parties concerned must be duly taken into consideration. Mexico has also expressed the wish that the Agreement should reflect a better balance between, on the one

hand, administration, inspection, monitoring and compliance and, on the other hand, a commitment to provide assistance to developing countries so that, in addition to being able to participate in high-seas fishing, they will also enjoy the conditions necessary for compliance with the provisions of the Agreement and, like other countries, will be able to conduct inspections.

Mexico fully endorses most of the principles set out in the Agreement, which is why it has advocated the adoption of such principles in the context of international and regional fisheries-management arrangements, in addition to having incorporated them into its domestic legislation. Mexico considers that, once the Agreement has entered into force, conditions will be present to carry out a complete analysis and assessment of its provisions and of the manner, effectiveness and implications of their implementation with respect to the law of the seas regime established by the United Nations Convention.

Mr. Naidu (Fiji): Fiji fully endorses the Pacific Islands Forum group statement that will be delivered by Ambassador Vinci Clodumar of Nauru later today.

The Agreement for the implementation of the provisions of the United Nations Convention on the Law of the Sea relating to the conservation and management of straddling fish stocks and highly migratory fish stocks enters into force on 11 December 2001. Fiji congratulates Malta on its ratification, which has given effect to the Agreement. The Agreement is binding on States parties and entities; they must exploit straddling and highly migratory fish stocks sustainably in accordance with the principles of conservation and management laid out in the United Nations Convention on the Law of the Sea.

The high mobility of such fish stocks has prompted coastal States to conclude the necessary regional fisheries arrangements pursuant to the Agreement and in anticipation its coming into force. In my own region, the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific was successfully concluded a year ago. Its preparatory committee meetings have begun to map out the necessary details of the implementation of the Agreement within our regional context.

We welcome the Secretary-General's review of the international agencies that service oceans and seas matters in the United Nations system. The outcome will hopefully see enhanced coordination to give full effect to their respective mandates and to minimize overlaps and duplication.

In this process, small coastal States with fragile developing economies, such as Fiji and our Pacific Forum neighbours, hope to gain some benefits in capacity-building. Also, our traditional knowledge of oceans and seas would be further enhanced by equitable sharing of marine scientific research and appropriate technology. Our jurisdictions cover huge ocean masses, which far exceed our management capabilities or scientific and technological capacities. We have, however, contributed a considerable amount of raw data and input into years of ocean survey and data collection exercises undertaken by distant waters States. Very little of their outputs have been shared with us to enable us to develop our fisheries and oceans management policies and measures. This disparity was not intended in the negotiations leading to, and in the conclusion of, UNCLOS. On the contrary, this landmark Convention seeks parity for all States, coastal or otherwise. Fiji recalls this underlying principle of the Convention, which must continue to be the source of good will and cooperative sharing as we look to more holistic and integrated management of oceans, to which all States are obligated.

This Convention has grown in relevance and dynamism. The range and breadth of issues that are dealt with in the Secretary-General's report (document A/56/58) and in its addendum reflect this fact. In turn, the expanded scope and coverage of resolutions under this item are evidence of its "living nature". What emerges is a clear convergence in our quest for integrated approaches to oceans issues as envisaged by the Convention.

We welcome the substantive progress in the work undertaken by the International Seabed Authority under its mandate. The issue of licenses to pioneer investors marks the beginning of yet another challenge for the Authority and to member States in the forging of cooperative partnerships pursuant to the Mining Code in executing the terms and conditions of their respective exploration contracts. These have an added obligation of ensuring equitable sharing of its benefits and of conducting their work sustainably for the common benefit, in polymetallic nodules. We are pleased with its considerations of issues relating to regulations for similar initiatives in cobalt-crust,

sulphides and natural gas hydrates. The necessary guidelines being developed by the Legal and Technical Commission would set the relevant parameters for our work in these areas.

UNCLOS establishes the legal framework for the sustainable use and development of seas and oceans and their resources, and for the maintenance and strengthening of international peace and security. Other relevant international customary law supports this framework. Sadly, we note that crimes at sea feature increasingly and are moving closer to our part of the oceans and seas. These include rising incidences of defenceless migrants or refugees falling victim to people-smuggling businesses. At its second meeting in May, the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea looked closely at the problems of piracy and armed robbery against ships. We believe that forging strong cooperation and international coordination in matters of oceans and seas would facilitate initiatives to implement relevant conventions and protocols at national and regional levels to curb these criminal activities.

As we look forward to the World Summit on Sustainable Development in September 2002 and the International Conference on Financing for Development in March 2002, very little on their respective agendas is focused on oceans and seas. Yet, we all know that sustainable development is inextricably tied to oceans. In the remaining preparatory processes to both meetings, we would urge all concerned to feature oceans appropriately in these two meeting agendas.

The Open-ended Informal Consultative Process, mandated by the General Assembly to review the Secretary-General's report on oceans and seas and to facilitate the consideration of this item by the General Assembly, has yielded productive outcomes in its first two years. Envisaging its scope as a vehicle for enhancing coordination in this area should be explored in view of the upcoming World Summit for Sustainable Development and the International Conference on Financing for Development as well.

For Fiji and its fellow small island developing States, our development of our fisheries and other oceans and seas resources will remain a far cry from the intentions of the provisions of UNCLOS unless and until appropriate strategies and mechanisms are designed to help us build our capacity, develop our economic base and enable us to equitably share our resources with other member States. Until then, we in the Pacific will continue to supply half of the world's annual tuna catch yet we will earn only 4 per cent of the billion-dollar revenue. Our limited economic and human resources are most visible in the institutional, legal and ocean governance areas in which capacity-building and support are much needed.

Fiji is confident that these concerns are reflected in the two resolutions that are being presented to this Assembly for adoption by consensus.

Mr. Ngo Duc Thang (Viet Nam): At the outset, my delegation welcomes the comprehensive and informative reports of the Secretary-General on matters relating to the oceans and the Law of the Sea contained in document A/56/58 and its Addendum 1. I also wish to express appreciation to the Division for Ocean Affairs and the Law of the Sea and the Office of Legal Affairs for their tremendous efforts and valuable contribution in preparing documents relating to the issue of oceans and the law of the sea this year. The documents present a clear and concise record of all our efforts and relevant developments relating to oceans and the law of the sea.

Viet Nam attaches great importance to the Convention on the Law of the Sea (UNCLOS), because it provides the fundamental legal framework for all activities related to the oceans and seas. It is imperative that the Convention be fully implemented and that its integrity be preserved. My delegation notes with satisfaction that the number of States Parties to the Convention continues to increase steadily, and the goal of universal participation will be achieved. We highly appreciate the work of all the institutions set up under the Convention — namely, the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf. My delegation is pleased to note that much progress has been made in recent years.

In this regard, my delegation welcomes the achievements of the International Seabed Authority during its seventh session, held in July of this year, and would like to congratulate the newly elected members of the Legal and Technical Commission and of the Finance Committee. The Authority, whose task under the Convention is to organize and control all mineral-related activities in the international seabed area

beyond the limits of national jurisdiction, which underlies most of the world's oceans, has successfully fulfilled its mandate.

My delegation notes with satisfaction that contracts were signed earlier this year between the Authority and several seabed operators, enabling them to prospect for another mineral source, polymetallic nodules, under regulations approved by the Authority in July 2000. However, measuring the environmental impact of seabed exploration is still a matter of great concern, and we believe that the effective protection of the marine environment must be ensured.

The first and second Meetings of the Open-ended Informal Consultative Process were good opportunities for all States, international organizations and non-governmental organizations interested in the oceans and the law of the sea to freely exchange opinions on developments promoting an integrated approach to the oceans and seas, in the spirit of the unified and comprehensive nature of the Convention. The two Meetings of the Consultative Process yielded many encouraging and positive results on the issues of environmental protection, fisheries, scientific research, capacity-building, suppression of crimes at sea and strengthening of regional cooperation.

For a developing country such as Viet Nam, effective international cooperation in the field of marine science is essential in building its capacity, in enhancing its resources and in strengthening its means of implementing the Convention. That is why the Government of Viet Nam has always placed high priority and focused on developing international cooperation, particularly regional cooperation in the Eastern Sea, or South China Sea. My delegation welcomes the progress that has been made between the members of the Association of South-East Asian Nations (ASEAN) and China with respect to the draft Code of Conduct in the South China Sea, as it conforms to the principles and norms of contemporary international law, the 1992 ASEAN Declaration and the 1997 ASEAN-China Declaration on the principles of resolving disputes in the South China Sea. Furthermore, it will facilitate regional cooperation. This is also consonant with the aspirations of the peoples of the region and serves peace and stability in the area, thereby contributing to world peace and stability.

Mr. **Lee** Ho-jin (Republic of Korea): Like previous speakers, I wish to express my delegation's gratitude to the Secretary-General and to the staff of the Division for Ocean Affairs and the Law of the Sea for their joint report entitled "Oceans and the Law of the Sea" (A/56/58). This informative and comprehensive report covers the developments that have taken place over the past year with respect to a wide spectrum of issues concerning oceans and the law of the sea. It will be a valuable resource in the context of an in-depth overall review of relevant developments and issues relating to this topic, providing useful information and suggestions for maritime management at the global, regional and national levels. Our gratitude also goes to the co-Chairmen of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea for their excellent guidance during its second meeting last May.

The 1982 United Nations Convention on the Law of the Sea and the Agreement relating to the implementation of Part XI of the Convention truly provide the basic framework for dealing with all matters relating to the law of the sea and constitute the basis for further development in this area. My delegation is pleased to note that three more States deposited their instruments of ratification during the period covered by the report. Although the pace has slowed, increased accession to the Convention represents an irreversible trend towards universal participation in it. My delegation believes that, in order to develop global norms for ensuring a stable maritime order, universal acceptance of the Convention is essential, given its important role in preserving marine living resources, protecting the marine environment and promoting the peaceful settlement of maritime disputes.

Another important element necessary for a stable maritime order is the uniform and consistent application of the Convention. International law, including the law of the sea, is continually evolving. Unless we apply the Convention in a consistent manner, so that a steady practice develops, the very purpose of the Convention — to establish a stable maritime order — will be defeated. In this context, my delegation would like to urge all those States that have not yet done so to accede to the Convention, and we call upon States parties to the Convention to ensure its consistent application.

My delegation welcomes the progress made in the past year by the institutions established under the Convention — the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf.

It is noteworthy that, during its seventh session, the International Seabed Authority made progress in its administrative work, which included the adoption of staff regulations. As a registered pioneer, my Government has faithfully fulfilled its obligations under the Convention and the Agreement, including the provision of training programmes, the gradual relinquishment of the pioneer area, and the submission of periodic reports on activities in the pioneer area. Following last year's approval by the Authority of the Regulations on prospecting and exploration for polymetallic nodules, my Government signed a contract with the Secretary-General for the exploration of polymetallic nodules in the deep seabed, which entered into force in April 2001. Through this contract, my country was granted the right to explore for polymetallic nodules in the exploration area, in accordance with the terms and conditions of the contract.

My delegation notes with satisfaction that the International Tribunal for the Law of the Sea is playing a more prominent role in resolving maritime disputes. The court facilitates the peaceful settlement of disputes; during the past year, it has made three judgements concerning applications for the prompt release of vessels and crew members, and it has two cases in its docket.

My delegation is also pleased to note that during its ninth session, the Commission on the Limits of the Continental Shelf made progress in its task of assisting coastal States' submissions concerning the outer limits of the continental shelf.

Among the many challenges with regard to oceans and the law of the sea, marine pollution and the conservation and management of marine living resources have been met with growing concern by many Member States, and international organizations such as the Food and Agriculture Organization and the International Maritime Organization (IMO) are taking action to deal with these problems. Marine pollution has a direct economic and social impact on food security and public health, in addition to its degradation of the marine environment.

Practical action is necessary to deal with this problem. Effective measures against illegal, unreported and unregulated fishing at the global, regional and national levels are also called for in order to ensure the conservation and management of marine living resources. To this end, all the parties concerned should make every effort to apply the international rules and standards established by competent international organizations in accordance with the principles of the Convention.

As noted in the Secretary-General's report, acts of piracy, armed robbery of ships and other violent crimes at sea continue to pose a serious threat to the international community. The lives of seafarers, the safety of navigation, safe passage through important waterways and the security of coastal States are greatly endangered by piracy and armed robbery. My delegation is concerned about the fact that, over a 10-month period in 2000, the number of such crimes increased by 27 per cent as compared with the same period in 1999, with many of the attacks occurring in the territorial seas of States. It is truly alarming that the nature of the crimes is becoming increasingly violent and that increasing numbers of crew members have lost their lives. Intensive efforts to eliminate these acts are therefore urgently required. My delegation calls upon all the States concerned, in particular the coastal States, to take all necessary measures, particularly at the regional level, to prevent, combat and investigate incidents of piracy and armed robbery at sea.

Another problem that my delegation notes with concern is the smuggling of migrants by sea. This is a complex issue, having as its background the social and economic causes of migration. With more people struggling to migrate and fewer smugglers caring about their safety, increasing numbers of people are exposed to danger. Closer cooperation between countries of origin and destination is required to combat this problem, and efforts to prevent the use of false documents and to stamp out the involvement of criminal organizations in illegal migration are urgently needed.

Being located on a peninsula surrounded by sea, my country has been traditionally dependent on marine living resources and maritime transportation for its existence. Since ratifying the Convention in 1996, the Republic of Korea has made every effort to enhance ocean management in accordance with the rules set out in the Convention, especially in the field of fisheries.

In this regard, my delegation notes with satisfaction that the Fisheries Agreement between the Republic of Korea and the People's Republic of China entered into force in June this year. This Agreement provides for a bilateral fisheries management framework, established on the basis of the exclusive economic zone regime of the Convention. A similar fisheries agreement between the Republic of Korea and Japan entered into force in January 1999. These two agreements represent my Government's commitment to the orderly management of fisheries resources in the surrounding seas, as well as reflecting the importance it attaches to cooperation between neighbouring countries for the implementation of the Convention.

In conclusion, I would like to reiterate the willingness of my Government to cooperate fully in the effective implementation of the United Nations Convention on the Law of the Sea. I also wish to assure the Assembly of my Government's commitment to the promotion of an orderly and stable regime of the oceans, in the spirit of mutual understanding and cooperation as enshrined in the Convention on the Law of the Sea.

Mr. Donigi (Papua New Guinea): The Secretary-General should be congratulated for his reports on oceans and the law of the sea. Papua New Guinea places particular emphasis on the sustainable use and development of the resources of the ocean space and the deep seabed. As a member of the Pacific Islands Forum, Papua New Guinea endorses the statement that was delivered last night by the Ambassador of Nauru on behalf of the Pacific Islands Forum.

The reports of the Secretary-General are quite exhaustive and very informative. There are many matters that we would like to speak about, but due to the time constraints we will be selective.

As a signatory to the United Nations Convention on the Law of the Sea, we subscribe to the philosophy that it embodies a universal and unified international law on all matters concerning the oceans and the law of the sea. We welcome the new States parties to the Convention, and are heartened by the announcement yesterday by the United States of America of its intention to accede to the Convention in the near future.

My delegation has been consistent in calling for better coordination and cooperation in matters relating to ocean affairs. We believe that the open-ended consultative process has been successful in focusing attention on selected matters raised in the Secretary-General's reports. This year's consultative process concentrated on marine science and piracy and armed robbery at sea. We look forward to the discussion next year of the matters contained in paragraph 48 of the draft resolution on oceans and the law of the sea before us today.

Issues relating to the protection and preservation of the marine environment, and the cross-cutting issues of capacity-building, regional cooperation and coordination and integrated ocean management are very important to us.

Although my delegation is greatly interested in marine science, we were enlightened by the data that was produced during the consultative process in respect of piracy and armed robbery at sea as well as of the problems associated with apprehension, the coordination of policing and enforcement generally.

The data indicate that the world community needs to cooperate and coordinate its activities in the areas of prevention and enforcement. My delegation would have liked to have some data produced on the effects of piracy and armed robbery at sea on the historical costs of insurance and transportation, and also their effects on trade through and between the countries affected. Perhaps this might be a follow-up topic for deliberation at future meetings of the Consultative Process.

We are particularly interested in these data to ascertain how insurance and shipping companies determine costs for the transportation of marketable goods through the affected region. Because we are a small island country in the Pacific, all of our export commodities bound for Europe have to be transported through the sea lanes of South-East Asia, where, as data produced during the Consultative Process reveal, there is a high incidence of piracy and armed robbery at sea. We have an interest in ascertaining what percentages of insurance and transportation costs have been computed into the costs of doing business as a result of these illegal activities. It is by ascertaining these percentages that we can determine whether we have been unduly penalized because of our geographic location relative to the high-incidence areas, or whether certain measures can be taken to offset these costs to ensure our participation in global trade.

How can Papua New Guinea and other small island developing States of the Pacific compete with

other countries in global trade unless the playing field is level and these unseen costs can be identified, minimized, curtailed or managed in a more transparent manner?

Unlike other States, Papua New Guinea, as a developing country, is keen to be involved in marine scientific research activities. Because we are a State that does not have the technological capacity to conduct its own research, it is important that some degree of understanding be reached between the research institutions and us. We recognize marine scientific research as beneficial for three reasons. First, it leads to better understanding and knowledge of the subject matter of research; secondly, it results in the transfer of knowledge-based capacity to conduct research to our institutions; and thirdly, better knowledge will result in an improved qualitative valuation of resources that a small island developing country like Papua New Guinea has within its ocean space and deep seabed.

In this regard, the Secretary-General's report mentioned the workshop conducted by the South Pacific Geoscience Commission in Port Moresby, Papua New Guinea, early this year. We believe that we have reached an understanding that preserves the right of researchers to conduct marine scientific research and the obligation of the Government under the United Nations Convention on the Law of the Sea to recognize that privilege based on certain agreed conditions.

However, I must emphasize that the conditions concerning the right to participate that is reserved for Papua New Guineans in the conduct of research — a right that must be differentiated from the right to be represented by an observer — and the right to receive the raw data in readable format, as well as any subsequent interpreted data, are non-negotiable. We are prepared to negotiate a reasonable lead time to allow scientists to publish their papers. In addition, Papua New Guinea maintains its claim to ownership of any samples taken out of Papua New Guinea waters for research purposes, and reserves its right to ownership of any patents, samples, knowledge or commercial use that may be developed in future concerning the biota.

Papua New Guinea is appreciative of the Secretary-General's report on the Fish Stocks Agreement. Papua New Guinea welcomes Malta's lodgement of its instrument of ratification of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. The Agreement, which will now come into force on 11 December 2001, calls on all States to cooperate to enhance the ability of developing States, in particular least developed and small island developing States, to conserve and develop their own fisheries for such stocks. This is reflected in the draft resolution on the implementation of the Fish Stocks Agreement.

For all small island developing States in the Pacific, financing for development has to be linked to the development of the fisheries sector. Some data were provided in our country's statement during the general debate segment of this session of the General Assembly to establish the reason for the importance of the fisheries sector to our economies and why it is necessary to transfer technological capacity to our countries.

Papua New Guinea joined others with particular interest in the sustainable use and management of the fish stocks in our region to establish the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean in September 2000. In our view, this Convention is consistent with the Fish Stocks Agreement. The next meeting of the signatories to the Convention will be held in Papua New Guinea early next year.

Papua New Guinea believes it is futile for States to be allowed to go "forum shopping" or to seek to duplicate conservation and management organizations just because they are unable to agree to a regime that has been agreed upon by the majority of States that are interested in the conservation and management of the fish stocks in a given area. We urge those States that are currently fishing in our region to become parties to this Convention as soon as possible.

Papua New Guinea notes the parts of the Secretary-General's report pertaining to the smuggling of migrants by sea. Papua New Guinea maintains its sovereign right to protect its borders from illegal entrants and to prosecute those who do so under our criminal laws. Papua New Guinea law does not recognize permanent residency outside of citizenship. Therefore, Papua New Guinea is not in a position to be a country of destination. We are not in a position to provide a long-term solution for those countries that

have faced and are now facing problems associated with smuggling of persons by sea.

Recently, the Government of Papua New Guinea agreed with the Government of Australia to establish a processing centre on one of our islands. This is a temporary facility, and those who are interned at this centre will be processed and moved on. There can be no hope of their future resettlement within Papua New Guinea's borders. This cannot be done legally, and we ask others to respect our constitutional laws on this matter.

Papua New Guinea agrees with the Secretary-General that smuggling of persons is a result of poverty in developing countries. We have reservations, however, as to whether it is a result of the tightening of restrictions on legal immigration in many countries. Such a statement suggests that States should have more flexible and open immigration policies. We believe, however, that States have the right, and the obligation to their citizens, to protect their borders from unwanted incursion or invasion by unlawful migrants. In this regard, we believe that States — especially transit States — have an obligation to take preventive and punitive action against those citizens who are engaged in smuggling of persons.

Papua New Guinea endorses and has co-sponsored the two draft resolutions before us today. I wish to extend the appreciation of my delegation as well as my personal appreciation to Mr. Marcel Biato of Brazil and Mr. Julian Vassallo of Malta for their hard work and the manner in which they have facilitated the negotiations on the oceans and law of the sea draft resolutions. We also wish to thank Mr. Colin McIff of the United States, who persevered as facilitator to find a common ground so that we could, for the first time, adopt a consensus resolution on the implementation of the Fish Stocks Agreement. We urge the adoption of this draft resolution on the Fish Stocks Agreement by consensus.

I conclude by expressing my delegation's sincere appreciation to Mrs. Annick De Marffy, Director of the Division for Ocean Affairs and the Law of the Sea, and all her staff for the coordination of all activities relating to oceans matters this past year. My delegation also extends its gratitude to Under-Secretary-General Nitin Desai and the staff of the Department of Economic and Social Affairs for their contributions to making the Consultative Process a success.

Mr. Sodipo (Nigeria): On behalf of the Nigerian delegation, I wish to register the appreciation of Nigeria for the good work of the Secretary-General and the Secretariat in providing us with the appropriate documents for this meeting.

The United Nations Convention on the Law of the Sea established a legal order for seas and oceans, the thrust of which is to promote the peaceful uses of seas and oceans, the equitable and efficient realization of resources, the conservation of living resources and the study, protection and preservation of the marine environment. Nigeria attaches great importance to the Convention and has therefore made serious efforts to ratify it. It is gratifying to note that, seven years after the entry into force of this Convention, its universality is no longer in doubt.

The Secretary-General's report, in document A/56/58 and its addendum, focuses on such important areas as crime at sea; marine resources; the marine environment and sustainable development, including the protection and preservation of the marine environment; marine science and technology; capacity-building; and international cooperation and coordination. These issues are of great concern to my delegation.

Crime at sea takes various forms, including piracy, armed robbery of ships, terrorism, the smuggling of migrants and illicit trafficking in persons, narcotic drugs and small arms. We recognize the importance and relevance of international cooperation in the fight against criminal activities at sea. In this regard, Nigeria has signed and ratified the recently adopted United Nations Convention against Transnational Organized Crime and the two Protocols attached to it. Our domestic legislation is constantly updated with a view to domesticating and strengthening the Convention's provisions and to ensuring that criminals at sea do not find safe haven in Nigeria.

It is also satisfying to note the outcome of the second meeting of the United Nations Open-ended Informal Consultative Process on oceans and the law of the sea, as reflected in document A/56/121, which focuses on marine science and development, the transfer of requisite technology, including capacity-building, as well as coordination and cooperation in combating piracy and armed robbery at sea. My delegation also takes note of the consent regime for the

conduct of marine research in maritime areas under the sovereignty and jurisdiction of coastal States. In the opinion of my delegation, the regime has succeeded in striking an equitable balance between the right of the coastal States to regulate and authorize the conduct of research in maritime zones under their jurisdiction and rights and the right of research institutes to have access in order to do their research adequately, without interrupting the exploration for and exploitation of resources in the area.

Notwithstanding the usefulness of such a sectoral focus, my delegation recognizes the value of an integrated approach to all matters concerning oceans and seas and of intergovernmental and inter-agency cooperation and coordination. However, we believe that, in the interests of humanity, knowledge in the field of marine environment and the sustainable use of the oceans and seas should be developed and shared.

Developing countries, including Nigeria, are disadvantaged in terms of the acquisition of technology and expertise relating to all aspects of activities in the seabed. In such areas as the exploration for and exploitation of seabed minerals, the conservation and protection of living resources and coastal management, marine scientific research, the problem of pollution and toxic and chemical waste dumping, developing countries lack the relevant expertise and tools. Even in the area of the appropriate and comprehensive legal regime governing the effective management of the ecosystem, the developing countries require assistance. Surely, developing countries have to be enabled, and they can only be enabled through cooperation, partnership and assistance.

Fortunately, cooperation and development assistance are provided for in article 140 of the Convention, which provides that

> "Activities in the Area shall ... be carried out for the benefit of mankind as a whole, ... taking into particular consideration the interests and needs of developing States".

This is further reinforced by article 202, which obliges States to give technical assistance, either directly or indirectly, to developing countries to enable them to protect their marine environment.

The Nigerian delegation believes that the time has come for the international community, through the United Nations, to articulate a comprehensive package of assistance in the area of sea and ocean affairs to the benefit of the developing countries. This is essential if those countries are to have a fair share of the resources of the ocean. As a coastal State, Nigeria attaches great importance to the management and preservation of fish stocks. Commercial fishing constitutes a critical factor in ensuring the food security programme of the federal Government. Consequently, the conservation and rational use of the living resources of the sea, as well as the sustainable development of fish resources, are crucial to its success.

Nigeria therefore welcomes the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, otherwise known as the Fish Stocks Agreement. The Agreement represents a bold attempt by the international community to protect the commercially important species, which have been the victims of illegal, unregulated and unreported fishing. Also, Nigeria cherishes the ineluctable link between environmental protection and sustainable marine resources.

In Nigeria, the federal Government, through the Ministry of the Environment, seeks to preserve the marine environment by monitoring pollution, the dumping of toxic wastes and chemical substances, and oil spillage. It prescribes and monitors safety standards for oil companies operating in the Niger Delta area. The precautionary principles inherent in the Agreement, which requires management authorities to take pre-emptive measures where there is a risk of damage to resources and the environment, even in the absence of certainty about the impact of such activity, are an added impetus to the efforts of the Nigerian Government in this area. By co-sponsoring the two draft resolutions on the oceans and the law of the sea under sub-items (a) and (b) of agenda item 30, we wish to re-emphasize our concentration on the importance of the protection of the marine environment.

The Niger Delta Development Commission, an agency of the federal Government, employs an integrated approach to development in the Niger Delta area, which is the major oil-producing area of Nigeria. The thrust of the Commission's mandate is to execute a comprehensive strategy of development by providing adequate infrastructural facilities — such as good roads, an efficient drainage system, reliable parts

supply and telecommunications — and to enhance job opportunities for inhabitants of the area. The essential goal is to achieve a delicate balance between development and environmental protection in the area and to enhance the living standards of the inhabitants.

In the same vein, Nigeria, in collaboration with other countries on the Gulf of Guinea, took the initiative of establishing the Gulf of Guinea Commission earlier this year. The membership of the Gulf of Guinea Commission consists of Cameroon, Gabon, Congo Brazzaville, the Democratic Republic of the Congo, Angola, Equatorial Guinea, Sao Tome and Principe and Nigeria. The basic objective of the Commission is to minimize conflict, enhance the security of member States and provide for the peaceful development of the ocean and sea in that area. This includes the regulation and control of maritime activities and transportation, as well as coordinating and jointly exploiting its resources.

In conclusion, the world must come to terms with the reality of environmental degradation and the danger it poses to human life and the marine environment. To confront this danger, nations will have to re-examine their approach to developmental issues so as to ensure that the environmental impact is given adequate consideration in the execution of their projects.

There is also a need to preserve natural resources for the benefit of future generations. In an increasingly interdependent world, it is becoming very important for good cooperation between the developing and the developed countries so that the former can take adequate advantage of the resources in their area. Only by doing so will sustainable development be achieved.

The meeting rose at 1.05 p.m.